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*Plaintiffs*

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18 SOUTHERN DIVISION

19 IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
20 MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
21 LITIGATION

Case No. 8:10ML2151 JVS (FMOx)

DECLARATION OF STEVE W.  
BERMAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
IMPOSITION OF APPEAL BONDS  
UNDER FEDERAL RULE OF  
APPELLATE PROCEDURE 7

22  
23  
24 This Document Relates To:  
25 ALL ECONOMIC LOSS CASES  
26

Date: October 21, 2013  
Time: 1:30 p.m.  
Place: Courtroom 10C  
Judge: Hon. James V. Selna

27  
28 DECL. OF STEVE BERMAN ISO OF PLTFS' MOTION FOR IMPOSITION OF APPEAL  
BONDS UNDER FED. R. APP. P. 7

1 I, Steve Berman, declare as follows:

2 1. I am an attorney duly admitted to practice in this Court and I am the  
3 managing partner of the law firm of Hagens Berman Sobol Shapiro LLP, one of the  
4 Plaintiffs' Class Counsel firms representing the Economic Loss Plaintiffs in the  
5 above-entitled MDL litigation. I make this declaration in support of Plaintiffs'  
6 Motion for Imposition of Appeal Bonds Under Federal Rule of Appellate Procedure  
7 7. I have personal knowledge of the matters described in this declaration and am  
8 competent to testify thereto.  
9

10  
11 2. Plaintiffs anticipate that, for *each* objection to this Settlement being  
12 appealed, they will incur costs conservatively estimated in the amount of \$11,326.00  
13 during the ensuing appeals. Initially, Plaintiffs anticipate filing various motions  
14 associated with these appeals, including moving for summary disposition of them,  
15 as well as subsequently moving to impose monetary sanctions against Objectors  
16 and/or their counsel, if and when their appeals are ultimately found to be frivolous. I  
17 estimate that each motion will not exceed 20 pages and will include exhibits of  
18 roughly 400 pages. We will need to make three (2) copies of each motion for the  
19 Court, one for the appellant and one for Toyota, as well as copies of the exhibits. At  
20 \$.10 per page plus \$3.00 per binding, I estimate we will incur \$213.00 in costs per  
21 motion. For the appeals themselves, I anticipate that we will file briefs of at least 30  
22 pages, and appendices of roughly 800 pages given the extensive procedural history  
23 of the Settlement. We will need to make approximately 30 copies of each brief and  
24 four (4) copies of the appendices for the Court, in addition to one copy of the brief  
25 and appendices for the appellant, and one for Toyota. At \$.10 per page plus \$10.00  
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for binding, I estimate we will incur \$809.00 in costs per appeal. Thus, in total, I anticipate, conservatively, that Plaintiffs will incur \$809.00 in costs per appeal, for a total of \$11,326.00 in costs for all fourteen (14) appeals of the Settlement. The following table summarizes the statements in this paragraph.

<u>Type</u>	<u># of Pages</u>	<u># of Copies</u>	<u>Cost</u>	<u>Binding</u>	<u>Total</u>
Motions	420	5	\$.10	\$3.00	\$213.00
Appeal Brief	30	32	\$.10	\$10.00	\$106.00
Appendices	800	6	\$.10	\$10.00	\$490.00
	<b>Total Per Appeal</b>				\$809.00
	<b>Total for 14 appeals</b>				\$11,326.00

3. Attached hereto as Exhibit A is a Table of Objector Claims which sets forth, for each Objector appealing the Settlement, the objections filed by that Objector and the ECF Docket Numbers for the objections filed. This table is substantially similar to the table prepared by Class Counsel and utilized by the Court in considering the objections in the first instance. *See* Table of Objectors, Appendix A to Plaintiffs' Reply Mem. in Supp. of Plaintiffs' Mot. for Final Approval of Class Action Settlement, Dkt No. 3731-1. It has been amended only to delete objections that have not been appealed and include subsequent filings by the same objectors.

4. Attached hereto as Exhibit B is a Table of Information Relevant to Imposition of Appeal Bonds which identifies, for each Objector, information that Ninth Circuit courts consider in determining whether the imposition of an appeal bond is appropriate.

5. Attached hereto as Exhibit C is a true and correct copy of this Court's Tentative Order Denying Motion for Attorneys' Fees, Reimbursement of Expenses, and Objector Compensation.

6. Attached hereto as Exhibit D is a true and correct copy of Table B-4A: U.S. Courts of Appeals – Median Time Intervals in Months for Merit Terminations of Appeals Arising From the U.S. District Courts, by Circuit, During the 12-Month Period Ending September 30, 2012, which Class Counsel obtained on September 15, 2013 at: <http://www.uscourts.gov/Statistics/JudicialBusiness/2012/statistical-tables-us-courts-appeals.aspx>.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States.

Executed this 19th day of September, 2013 at Seattle, Washington.

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/s/ Steve W. Berman

Steve W. Berman

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on September 19, 2013.

/s/ Steve W. Berman  
Steve W. Berman